

Report Date: July 7, 2023

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Jul 11, 2023**

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Johnny Thomas Axtell Case Number: 0980 1:20CR02031-SAB-1

Address of Offender: [REDACTED] Wapato, Washington 98951

Name of Sentencing Judicial Officer: The Honorable Stanley A. Bastian, Chief U.S. District Judge

Date of Original Sentence: May 10, 2022

Original Offense: Possession with Intent to Distribute Methamphetamine, 21 U.S.C. § 841(a)(1),
(b)(1)(A)Original Sentence: Prison - 36 months Type of Supervision: Supervised Release
TSR - 48 months

Asst. U.S. Attorney: Richard Burson Date Supervision Commenced: February 13, 2023

Defense Attorney: Ulver Wallace Klein Date Supervision Expires: February 12, 2027

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on June 20, 2023.

On February 15, 2023, conditions of release were reviewed and signed by Mr. Axtell, acknowledging an understanding.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

4

Special Condition #3: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Axtell is alleged to have violated his supervised release conditions by consuming methamphetamine on or about June 26, 2023.

On June 26, 2023, a United States Probation officer (USPO) received a telephone call from staff at Merit Resource Services (Merit) stating Mr. Axtell had reported to their office to provide a urinalysis (UA) sample and was caught using a whizzinator device. The USPO spoke with Mr. Axtell while he was still at Merit and directed him to report to this officer in the probation office no later than 5 p.m. that day.

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Later that day, this officer received a telephone call from Mr. Axtell. During the conversation, Mr. Axtell admitted to being caught with a whizzinator device at Merit because he knew his UA would test positive for methamphetamine. Since Mr. Axtell was just departing his place of employment, this officer directed Mr. Axtell to report to the probation office the next day, June 27, 2023, before 12 p.m. Mr. Axtell replied he understood.

On June 27, 2023, Mr. Axtell reported to the probation office as directed. While in the office, Mr. Axtell signed an admission/denial form admitting he consumed methamphetamine on June 26, 2023. Mr. Axtell also admitted to using a whizzinator device to alter his UA on June 26, 2023.

- 5 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Axtell is alleged to have violated his conditions of supervised release by attempting to alter his UA at Merit on June 26, 2023.

Please refer to narrative found in Violation #4.

- 6 **Special Condition #3:** You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Axtell is alleged to have violated his conditions of supervised release by failing to provide a UA to Merit as directed on July 5, 2023.

On July 6, 2023, this officer received notification from staff at Merit indicating that Mr. Axtell had missed a colorline UA on July 5, 2023. This officer attempted to contact Mr. Axtell several times by telephone, but no answer was received.

On July 7, 2023, this officer received a text message from Mr. Axtell at 11:10 p.m. stating he left his cellular telephone in his aunt's car on July 4, 2023, and got it back tonight at 11 p.m. This officer directed Mr. Axtell to report to the probation office on July 7, 2023, at 9 a.m. to provide a UA. Mr. Axtell said he would report as directed.

The U.S. Probation Office respectfully recommends the Court to incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 7, 2023

s/Kyle Mowatt

Kyle Mowatt
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

July 11, 2023

Date